

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 OES-07 EB-07 COME-00 L-03 DLOS-09
NSC-05 IO-13 SS-15 CIAE-00 INR-07 NSAE-00 /079 W
-----008447 200739Z /17/12

R 141302Z JUN 77
FM AMEMBASSY OSLO
TO SECSTATE WASHDC 3903
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L OSLO 2787

C O R R E C T E D C O P Y (TEXT--PARA THREE WAS INCOMPLETE)

E.O. 11652: GDS
TAGS: EFIS, PBOR, NO
SUBJECT: SVALBARD FISHERY PROTECTION ZONE

REF: OSLO 2722 (NOTAL)

1. BEGIN SUMMARY: STATE 128434 INSTRUCTS THE EMBASSY TO TRANSMIT AT ITS DISCRETION AS TO LEVEL AND TIMING A US RESERVATION ON THE FISHERY PROTECTION ZONE (FPZ) AROUND SVALBARD ANNOUNCED BY THE NORWEGIAN GOVERNMENT ON JUNE 3. SINCE OUR POLICY IS TO BE AS SUPPORTIVE AS POSSIBLE OF NORWAY'S SVALBARD POLICY WHILE PROTECTING THE US RIGHTS UNDER THE 1920 SPITZBERGEN TREATY, THE EMBASSY WILL WAIT TO TRANSMIT THE RESERVATION UNTIL COMPLETION THIS SUMMER OF NORWEGIAN CONSULTATIONS ON THE EXACT REGIME TO BE ESTABLISHED IN THE FPZ (OSLO 2722). WE BELIEVE WE SHOULD ALSO WAIT A REASONABLE PERIOD AFTER THE TRANSMISSION OF THE EXPECTED SOVIET RESERVATION. WE WILL THEN RESERVE UNOBSTRUSIVELY AT THE DIRECTOR GENERAL LEVEL. MEANWHILE THE DEPARTMENT MAY WISH TO EXAMINE THE US POSITION ON THE SOUTHERN BOUNDARY OF THE FPZ WHICH DOES NOT FOLLOW A MEDIAN LINE BETWEEN BEAR
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ISLAND AND THE NORWEGIAN MAINLAND. END SUMMARY.

2. WE BELIEVE THE TACTICAL QUESTIONS OF THE TIMING AND LEVEL OF DELIVERY OF OUR RESERVATION ON THE FPZ SHOULD BE DETERMINED BY OUR LARGER STRATEGIC INTERESTS HERE. OUR GENERAL OBJECTIVE IS TO SUPPORT NORWAY IN ITS ASSERTION OF SVOEREIGNTY ON SVALBARD AND IN ITS DEALINGS WITH THE SOVIETS WHILE PROTECTING INTERESTS

ACCRUING TO US UNDER THE SVALBARD TREATY. IT APPEARS THE GON IN ESTABLISHING THE FPZ HAS ACTED IN THE SPIRIT OF OUR BILATERAL CONSULTATIONS. SINCE NO DIRECT US FISHING INTERESTS ARE ADVERSELY EFFECTED BY THE FPZ, WE BELIEVE THE RESERVATION SHOULD BE ISSUED IN A WAY SUCH THAT IT DOES NOT DETRACT FROM OUR BROADER INTEREST OF SUPPORTING NORWAY.

3. WE THEREFORE PROPOSE TO DELAY SUBMITTING OUR RESERVATION UNTIL (A) AFTER THE GON HAS COMPLETED ITS CONSULTATIONS ON THE FPZ (ONE MFA SOURCE HAS SAID THIS ALONE MAY TAKE THE REST OF THE SUMMER. OSLO 2722); (B) AFTER THE ZONE'S REGULATIONS HAVE BEEN PROMULGATED AND PUT INTO FORCE; AND (C) AFTER SEVERAL OTHER COUNTRIES WITH MORE DIRECT INTEREST IN SVALBARD FISHING HAVE RESERVED. ON THE LAST POINT, WE BELIEVE WE SHOULD IDEALLY WAIT UNTIL AFTER THE USSR RESERVES, AND THEN LET SOME TIME, PERHAPS A MONTH, PASS BEFORE WE RESERVE IN ORDER TO DECOUPLE OUR RESERVATION FROM THE SOVIETS' TO AVOID THE IMPRESSION OF "SUPERPOWER CONDOMINIUM" TO UNKNOWING NORWEGIANS.

4. ON THE LEVEL OF OUR RESERVATION, WE INTEND TO GIVE OUR RESERVATION TO KJELL ELIASSEN, THE DIRECTOR GENERAL OF THE LEGAL DEPARTMENT IN THE FOREIGN MINISTRY. ELIASSEN CHAIRED THE INTERAGENCY COMMITTEE WHICH DREW UP THE FPZ, AND DELIVERED THE RESERVATION TO HIM WILL SHOW THAT WE CONSIDER IT A LEGAL MATTER AND WISH TO PLAY IT DOWN AS A POLITICAL ISSUE.

5. ON ANOTHER ISSUE, THE PROVISIONS OF THE FPZ APPEAR TO US TO RAISE AN ADDITIONAL QUESTION WHICH THE DEPARTMENT MAY CONFIDENTIAL

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WISH TO EVALUATE BEFORE WE REGISTER A RESERVATION. AS THE DEPARTMENT WILL NOTE FROM OSLO 2262, THE ANNOUNCEMENT OF THE FPZ STATED THAT THE SOUTHERN LIMIT OF THE FPZ WILL EXTEND ONLY TO THE OUTER LIMIT OF NORWAY'S 200-MILE ECONOMIC ZONE. THIS IS CONSISTENT WITH WHAT THE NORWEGIANS TOLD US OF THEIR PLANS DURING OUR OCTOBER SVALBARD CONSULTATIONS. HOWEVER, SINCE THE DISTANCE BETWEEN BEAR ISLAND THE MAINLAND IS LESS THAN 400 MILES, THE BOUNDARY AS SET BY THE GON BETWEEN THE TWO ZONES LIES TO THE NORTH OF A MEDIAN LINE BETWEEN BEAR ISLAND AND THE MAINLAND. THUS THE SVALBARD FPZ WILL BE REDUCED TO THE ADVANTAGE OF THE NORWEGIAN MAINLAND ECONOMIC ZONE, AND POTENTIAL TREATY PARTY ECONOMIC RIGHTS, INCLUDING THOSE OF THE US, WILL BE REDUCED CONCOMITANTLY.

6. OUR 1974 RESERVATION ON OUR RIGHTS ON SVALBARD'S SHELF UNDER THE 1920 TREATY REFERS ONLY TO SVALBARD WHICH ACCORDING TO STATE 307426, COVERS THE ENTIRE 1920 TREATY AREA, INCLUDING BEAR ISLAND. WHILE THE EMBASSY PRESUMES THIS TO MEAN THAT OUR 1974 CONTINENTAL SHELF RESERVATION EXTENDS TO A BEAR ISLAND/MAINLAND

MEDIAN LINE, THE NORWEGIANS HAVE SAID NOTHING ABOUT SUCH A LINE AS
A FISHERIES LINE, THEREFORE, MAY HAVE LATER SIGNIFICANCE FOR A
SHELF LINE AND, WE BELIEVE, MIGHT BE EVALUTED AND TAKEN INTO

ACCOUNT IN THE WORDING AND NATURE OF THE RESERVATION WE MAKE
TO THE GON ON THE FPZ. DEPARTMENT MAY WISH TO CONSIDER WHETHER
OUR LAWYERS CONCLUDE THAT THIS POINT HAS BEEN ADEQUATELY COVERED
IN OUR PROPOSED NOTE OF RESERVATION.

7. PLEASE ADVISE.
ANDERS

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 14-Jun-1977 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
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